

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY R. TURNER,

Plaintiff,

v.

MODRIGAL,

Defendant.

Case No. 2:23-cv-02528-DAD-JDP (PC)

ORDER

TRANSFERRING THIS ACTION TO THE
UNITED STATES DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff, a county inmate proceeding pro se, has filed a civil rights action under 42 U.S.C. § 1983. Plaintiff has filed an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915.

The federal venue statute provides that a civil action “may be brought in (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) if there is no district in which an action may otherwise be brought as provided in this action, any judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.” 28 U.S.C. § 1391(b).

In this case, the claim arose in Contra Costa County, which is in the Northern District of

1 California.¹ Therefore, plaintiff's claim should have been filed in the United States District Court
2 for the Northern District of California. In the interest of justice, a federal court may transfer a
3 complaint filed in the wrong district to the correct district. *See* 28 U.S.C. § 1406(a); *Starnes v.*
4 *McGuire*, 512 F.2d 918, 932 (D.C. Cir. 1974).

5 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United
6 States District Court for the Northern District of California.

7 IT IS SO ORDERED.

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9 Dated: April 17, 2024


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE

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¹ While the complaint refers to Vallejo County officers, the complaint names only one defendant, Contra Costa Sheriff's Deputy Madrigal and according to attached documents, the incident at issue occurred at the West County Detention Facility, which is located in Contra Costa County.